

Declaration is necessary and was not earlier presented. It is therefore the purpose of this Supplement to fulfill such requirement.

As the record reflects, the Examiner ruled in the 11/29/2007 non-final office action that the previously submitted declarations failed to provide sufficient proof of either conception or diligence during the requisite time period. As a consequence, the undersigned counsel, on May 29, 2008, filed Applicants' response to the 11/29/2007 non-final office action, along with the 5/29/2008 Supplemental Declaration of Bill L. Davis ("Supplemental Davis Declaration"), with the belief that the Supplemental Davis Declaration, taken by itself or in combination with the previously submitted declarations, adequately and completely proved both the requisite conception and diligence.

While the Examiner agreed that the evidence in such submission proved conception of the claimed invention prior to the *Hartung, et al.* reference, and also proved diligence from the time period of July 1994 to the August 14, 1995 date of Applicants' constructive reduction to practice, the Examiner disagreed that the evidence was sufficient to establish diligence during the four month time period just prior to April 4, 1994 through July of 1994. As was his right, Examiner Zimmerman then requested additional factual evidence of the diligence during such period, particularly evidence of the claimed "lengthy study and negotiations to determine what type of lithographic presses" should be purchased. In response, the undersigned counsel for Applicants met with Mr. Jerry Williamson, the Chairman of the Board and CEO of Williamson Printing Corporation, the owner of U.S. Patent 5,630,363 and of this reissue application, to garner further details and additional factual evidence of this study and negotiations, and of related activity, in support of diligence during this four month time period. Upon gathering this evidence, the Williamson Declaration was prepared and submitted with the Original Response.

In summary, therefore, the reason why the Williamson Declaration was not submitted earlier is that Applicants' attorney believed that the previously submitted declarations and oaths were more than adequate proof. When Examiner Zimmerman disagreed with respect to diligence during the four months period from April 4, 1994 through July 1994, and made a specific request for more details, the submission of the Williamson Declaration was necessary to comply with the Examiner's request. Applicants regret the inadvertent exclusion of this explanation from the Original Response and trust that this Supplement meets the requirements of 37 C.F.R. 1.116(e).

As an additional matter, it is noted that the Williamson Declaration was titled as being pursuant to 37 C.F.R. 1.131. To the extent that such designation may have been erroneous, in that Mr. Williamson only represents the owner of the patent application, and is not an inventor of the subject matter of the rejected claims, Applicants respectfully request that the Williamson Declaration be considered as having been submitted pursuant to 37 C.F.R. 1.132.

CONCLUSION

Given the evidence submitted and for the reasons stated in the Original Response, and in view of the explanation set out in this Supplement, it is respectfully requested that these documents place this application in condition for allowance. Therefore, Applicants request that the *Hartung, et al.* reference now be withdrawn as prior art, and in view of such withdrawal, the currently rejected claims 6-11, 15-30, 32-38, 58, 153, 154, 156, 158, 161-165 and 167 be allowed, along with presently allowed claims 1-5, 12-14, 39-41, and 82-84, and the case advanced to issue.

To the extent that any further fees are required during the pendency of this Application, including petition fees, the Commissioner is hereby authorized to charge payment of any additional fees, including, without limitation, any fees under 37 C.F.R. § 1.16 or 37 C.F.R. § 1.17, to Deposit Account No. 07-0153 of Gardere Wynne Sewell LLP and reference Attorney Docket No. 111667-1000. In the event that any additional time is needed for this filing, or any additional time in excess of that requested in a petition for an extension of time, please consider this a petition for an extension of time for any needed extension of time pursuant to 37 C.F.R. § 1.136 or any other section or provision of Title 37. Applicants respectfully request that the Commissioner grant any such petition and authorize the Commissioner to charge the Deposit Account referenced above. Please credit any overpayments to this same Deposit Account. This is intended to be a complete response to the Office Action mailed July 9, 2008.

Respectfully submitted,



January 7, 2009

Kenneth R. Glaser
Registration No. 24,015
Gardere Wynne Sewell LLP
1601 Elm Street, Suite 3000
Dallas, Texas 75201-4761
Telephone: 214.999.4352
Facsimile: 214.999.3452
Email: kglaser@gardere.com
ATTORNEYS FOR APPLICANTS